
By: **Delegates Bronrott, Mandel, G. Clagett, Cryor, Sossi, Anderson, Barkley, Barve, Benson, Bobo, Bohanan, Boschert, Boteler, Boutin, Bozman, Bromwell, Cardin, V. Clagett, Cluster, Conway, DeBoy, Donoghue, Dumais, Eckardt, Elmore, Feldman, Franchot, Frush, Fulton, Gaines, Goldwater, Gutierrez, Haddaway, Hammen, Hixson, Holmes, Hurson, James, Kach, Kelley, King, Kullen, Lee, Leopold, Madaleno, Marriott, McComas, McConkey, McHale, McKee, Menes, Miller, Moe, Montgomery, Murray, Nathan-Pulliam, Niemann, Paige, Parker, Pendergrass, Petzold, Ramirez, Ross, Shank, Shewell, Simmons, Stern, Stull, Taylor, V. Turner, and Weldon**

Introduced and read first time: January 31, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Learners' Permits and Provisional Licenses - Restriction**
3 **on Use of a Wireless Communication Device While Driving**

4 FOR the purpose of requiring the Motor Vehicle Administration to impose a
5 restriction on learners' instructional permits and provisional drivers' licenses
6 that prohibits permit holders or licensees from using certain types of wireless
7 communication devices while operating a motor vehicle; providing for certain
8 exceptions; defining certain terms; making a stylistic change; clarifying
9 language; and generally relating to the use of certain wireless communication
10 devices by holders of learners' instructional permits or provisional drivers'
11 licenses under certain circumstances.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 16-113
15 Annotated Code of Maryland
16 (2002 Replacement Volume and 2004 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Transportation

2 16-113.

3 (a) (1) In addition to the vision and other restrictions provided for in this
4 subtitle, when it issues a driver's license, the Administration for good cause may
5 impose on the licensee:

6 (i) Any restrictions suitable to the licensee's driving ability with
7 respect to the type of special mechanical control devices required on motor vehicles
8 that the licensee may drive;

9 (ii) An alcohol restriction which prohibits the licensee from driving
10 or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and

11 (iii) Any other restrictions applicable to the licensee that the
12 Administration determines appropriate to assure the safe driving of a motor vehicle
13 by the licensee.

14 (2) An alcohol restriction that prohibits the licensee from driving or
15 attempting to drive a motor vehicle while having alcohol in the licensee's blood may,
16 as described in subsections (b) and (g) of this section, include a restriction that
17 prohibits the licensee from driving or attempting to drive a motor vehicle unless the
18 licensee is a participant in the Ignition Interlock System Program established under
19 § 16-404.1 of this title.

20 (b) (1) Notwithstanding the licensee's driving record, the Administration
21 shall impose on each licensee under the age of 21 years an alcohol restriction that
22 prohibits the licensee from driving or attempting to drive a motor vehicle while
23 having alcohol in the licensee's blood.

24 (2) An alcohol restriction imposed under this subsection expires when
25 the licensee reaches the age of 21 years.

26 (3) This subsection may not be construed or applied to limit:

27 (i) The authority of the Administration to impose on a licensee an
28 alcohol restriction described in subsection (a)(2) of this section; or

29 (ii) The application of any other provision of law that prohibits
30 consumption of an alcoholic beverage by an individual under the age of 21 years.

31 (4) An individual under the age of 21 years who is convicted of a violation
32 of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than
33 3 years, to participate in the Ignition Interlock System Program in order to retain the
34 individual's driver's license.

35 (c) (1) Subject to the provisions of paragraph (2) of this subsection, the
36 Administration may:

1 (i) Issue a special restricted license; or

2 (ii) Set forth the restrictions on the usual license form.

3 (2) The Administration shall indicate on the license of a licensee under
4 the age of 21 years that an alcohol restriction has been imposed on the licensee under
5 subsection (b) of this section.

6 (d) (1) Notwithstanding the licensee's driving record, the Administration
7 shall impose an hour restriction on a provisional driver's license issued to an
8 applicant under the age of 18 YEARS.

9 (2) The restriction under this subsection shall limit the holder of a
10 provisional license to driving unsupervised only between the hours of 5 a.m. and 12
11 midnight.

12 (3) This subsection does not preclude the holder of a provisional license
13 from driving between the hours of 12 midnight and 5 a.m. the following day if the
14 licensee is:

15 (i) Accompanied and supervised by a licensed driver who is at least
16 21 years old;

17 (ii) Driving to or from or in the course of the licensee's employment;

18 (iii) Driving to or from a school class or official school activity;

19 (iv) Driving to or from an organized volunteer program; or

20 (v) Driving to or from an opportunity to participate in an athletic
21 event or related training session.

22 (4) The hour restriction and the supervision requirement under this
23 subsection expire on the date the holder of the provisional license turns 18 years of
24 age.

25 (d-1) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
26 MEANINGS INDICATED.

27 (II) "9-1-1 SYSTEM" HAS THE MEANING STATED IN § 1-301 OF THE
28 PUBLIC SAFETY ARTICLE.

29 (III) "WIRELESS COMMUNICATION DEVICE" MEANS:

30 1. A HANDHELD OR HANDS-FREE DEVICE USED TO ACCESS
31 A WIRELESS TELEPHONE SERVICE; OR

32 2. A TEXT MESSAGING DEVICE.

1 (2) Notwithstanding the licensee's driving record, and subject to
2 paragraph [(2)] (4) of this subsection, the Administration shall impose a restriction on
3 each provisional driver's license prohibiting the licensee from:

4 (I) IF THE LICENSEE IS UNDER 18 YEARS OF AGE, operating a
5 motor vehicle if the driver and each passenger in the motor vehicle are not restrained
6 by a seat belt or, in accordance with § 22-412.2 of this article, by a child safety seat;
7 OR

8 (II) USING A WIRELESS COMMUNICATION DEVICE WHILE
9 OPERATING A MOTOR VEHICLE.

10 (3) NOTWITHSTANDING THE DRIVING RECORD OF A HOLDER OF A
11 LEARNER'S INSTRUCTIONAL PERMIT, AND SUBJECT TO PARAGRAPH (4) OF THIS
12 SUBSECTION, THE ADMINISTRATION SHALL IMPOSE A RESTRICTION ON EACH
13 LEARNER'S INSTRUCTIONAL PERMIT PROHIBITING THE HOLDER FROM USING A
14 WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE.

15 [(2)] (4) It is not a violation of the restriction [under]:

16 (I) UNDER paragraph [(1)] (2)(I) of this subsection if an individual
17 covered by a medical exception under § 22-412.2(f) or § 22-412.3(d) and (e) of this
18 article is not restrained;

19 (II) UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION IF THE
20 LICENSEE USES A WIRELESS COMMUNICATION DEVICE TO CONTACT A 9-1-1 SYSTEM;
21 OR

22 (III) UNDER PARAGRAPH (3) OF THIS SUBSECTION IF THE HOLDER
23 OF A LEARNER'S INSTRUCTIONAL PERMIT USES A WIRELESS COMMUNICATION
24 DEVICE TO CONTACT A 9-1-1 SYSTEM.

25 [(3) The restrictions under paragraph (1) of this subsection expire on the
26 date that the holder of a provisional license turns 18 years of age.]

27 (e) (1) In addition to the other restrictions provided under this subtitle, the
28 Administration may issue:

29 (i) A driver's license that is valid only in the State of Maryland to
30 an applicant who has been suspended in another jurisdiction as a result of failing to
31 comply with the financial responsibility requirements of that jurisdiction; or

32 (ii) A temporary driver's license that is valid only in the State of
33 Maryland to an applicant for reinstatement of a suspended or revoked driver's
34 license, renewal of a driver's license, or a duplicate or corrected driver's license if, at
35 the time of application:

36 1. The applicant's privilege to drive in another jurisdiction is
37 revoked or suspended as a result of failing to comply with the licensing requirements

